

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**CLAUDE R. THIBEAULT, M.D.**

Holder of License No. 19972  
For the Practice of Allopathic Medicine  
In the State of Arizona

Case No. MD-09-1239A

**ORDER FOR LETTER OF REPRIMAND  
AND CONSENT TO THE SAME**

Claude R. Thibeault, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Letter of Reprimand; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 19972 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-09-1239A after receiving notification of a malpractice settlement involving Respondent's care and treatment of a forty-six year-old female patient ("TE").

4. On May 26, 2008, TE was transported to the medical center after intentionally consuming alcohol and sustained release Morphine with the intention to harm herself. Respondent noted that TE was agitated, but oriented; she demonstrated no respiratory distress and that her pupils were equal and reactive, but he did not document the size. TE's urine toxicology was positive for opiates. Respondent ordered intravenous (IV) fluids for hydration, Narcan and Zofran at 12:45 a.m.; Albuterol and Atrovent nebulizer at 1:30 a.m.; Benadryl at 4:00 a.m. and Zofran IV at 4:45 a.m. There was no documented

1 rationale for the Benadryl. A behavioral health evaluation was performed and TE was not  
2 considered to a danger to herself or others. Respondent counseled TE and discharged her  
3 with a diagnosis of narcotic overdose and with prescription for Ativan. Respondent also  
4 instructed her to follow up with her primary care physician. There was no documented  
5 rationale for the Ativan. Shortly thereafter, TE was found dead in her home.

6 5. The standard of care requires a physician to admit a patient with  
7 polypharmacy overdose to the hospital for continuous observation and monitoring.

8 6. Respondent deviated from the standard of care because he did not admit TE  
9 to the hospital for continuous observation and monitoring.

10 7. Respondent's failure led to TE's death.

11 8. A physician is required to maintain adequate legible medical records  
12 containing, at a minimum, sufficient information to identify the patient, support the  
13 diagnosis, justify the treatment, accurately document the results, indicate advice and  
14 cautionary warnings provided to the patient and provide sufficient information for another  
15 practitioner to assume continuity of the patient's care at any point in the course of  
16 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did  
17 not document the size of TE's pupils and there was no documented rationale for the  
18 Benadryl and Ativan medications.

#### 19 **CONCLUSIONS OF LAW**

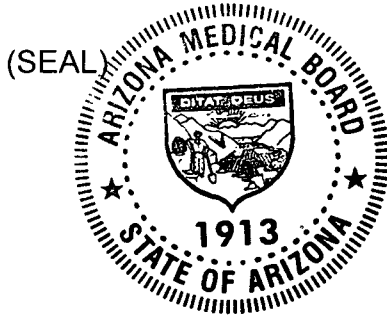
20 1. The Board possesses jurisdiction over the subject matter hereof and over  
21 Respondent.

22 2. The conduct and circumstances described above constitute unprofessional  
23 conduct pursuant to A.R.S. § 32-1401 (27)(e) ("[f]ailing or refusing to maintain adequate  
24 records on a patient.") and A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or  
25 might be harmful or dangerous to the health of the patient or the public.").

**ORDER**

IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

DATED AND EFFECTIVE this 14<sup>TH</sup> day of APRIL, 2010.



ARIZONA MEDICAL BOARD

By

  
Lisa S. Wynn  
Executive Director

**CONSENT TO ENTRY OF ORDER**

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 6. Upon signing this agreement, and returning this document (or a copy thereof)  
4 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
5 the Order. Respondent may not make any modifications to the document. Any  
6 modifications to this original document are ineffective and void unless mutually approved  
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal  
9 disciplinary action of the Board and will be reported to the National Practitioner's Data  
10 Bank and on the Board's web site as a disciplinary action.

11 8. If any part of the Order is later declared void or otherwise unenforceable, the  
12 remainder of the Order in its entirety shall remain in force and effect.

13 9. If the Board does not adopt this Order, Respondent will not assert as a  
14 defense that the Board's consideration of the Order constitutes bias, prejudice,  
15 prejudgment or other similar defense.

16 10. Any violation of this Order constitutes unprofessional conduct and may result  
17 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,  
18 consent agreement or stipulation issued or entered into by the board or its executive  
19 director under this chapter") and 32-1451.

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21   
22 CLAUDE R. THIBEAULT, M.D.

DATED: 2/5/10

23  
24 EXECUTED COPY of the foregoing mailed  
25 this 5th day of April, 2010 to:

Claude R. Thibeault, M.D.  
Address of Record

1 ORIGINAL of the foregoing filed  
2 this 15<sup>th</sup> day of April, 2010 with:

3 Arizona Medical Board  
4 9545 E. Doubletree Ranch Road  
5 Scottsdale, AZ 85258

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7 Arizona Medical Board Staff  
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